

1-1 By: Krause (Senate Sponsor - Hancock) H.B. No. 1759
 1-2 (In the Senate - Received from the House April 26, 2021;
 1-3 May 3, 2021, read first time and referred to Committee on
 1-4 Transportation; May 5, 2021, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 5, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the operation of vehicles and certain equipment at
 1-20 railroad grade crossings when on-track equipment is approaching.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 545.001, Transportation Code, is amended
 1-23 to read as follows:

1-24 Sec. 545.001. DEFINITIONS. In this chapter:

1-25 (1) "On-track equipment" means any car, rolling stock,
 1-26 equipment, or other device that, alone or coupled to another
 1-27 device, is operated on a railroad track.

1-28 (2) "Pass" or "passing" used in reference to a vehicle
 1-29 means to overtake and proceed past another vehicle moving in the
 1-30 same direction as the passing vehicle or to attempt that maneuver.

1-31 (3) ~~(2)~~ "School bus" includes a multifunction
 1-32 school activity bus.

1-33 SECTION 2. The heading to Section 545.251, Transportation
 1-34 Code, is amended to read as follows:

1-35 Sec. 545.251. OBEDIENCE TO SIGNAL INDICATING APPROACH OF
 1-36 TRAIN OR OTHER ON-TRACK EQUIPMENT.

1-37 SECTION 3. Sections 545.251(a), (c), and (e),
 1-38 Transportation Code, are amended to read as follows:

1-39 (a) An operator approaching a railroad grade crossing shall
 1-40 stop not closer than 15 feet or farther than 50 feet from the
 1-41 nearest rail if:

1-42 (1) a clearly visible railroad signal warns of the
 1-43 approach of a railroad train or other on-track equipment;

1-44 (2) a crossing gate is lowered, or a flagger warns of
 1-45 the approach or passage of a train or other on-track equipment;

1-46 (3) a railroad engine or other on-track equipment
 1-47 approaching within approximately 1,500 feet of the highway crossing
 1-48 emits a signal audible from that distance and the engine or other
 1-49 equipment is an immediate hazard because of its speed or proximity
 1-50 to the crossing;

1-51 (4) an approaching railroad train or other on-track
 1-52 equipment is plainly visible to the operator and is in hazardous
 1-53 proximity to the crossing; or

1-54 (5) the operator is required to stop by:

1-55 (A) other law;

1-56 (B) a rule adopted under a statute;

1-57 (C) an official traffic-control device; or

1-58 (D) a traffic-control signal.

1-59 (c) An operator of a vehicle who approaches a railroad grade
 1-60 crossing equipped with railroad crossbuck signs without automatic,
 1-61 electric, or mechanical signal devices, crossing gates, or a

2-1 flagger warning of the approach or passage of a train or other
2-2 on-track equipment shall yield the right-of-way to a train or other
2-3 on-track equipment in hazardous proximity to the crossing, and
2-4 proceed at a speed that is reasonable for the existing conditions.
2-5 If required for safety, the operator shall stop at a clearly marked
2-6 stop line before the grade crossing or, if no stop line exists, not
2-7 closer than 15 feet or farther than 50 feet from the nearest rail.

2-8 (e) In a prosecution under this section, proof that at the
2-9 time of the offense a train or other on-track equipment was in
2-10 hazardous proximity to the crossing and that the train or other
2-11 equipment was plainly visible to the operator is prima facie
2-12 evidence that it was not safe for the operator to proceed.

2-13 SECTION 4. Section 545.253(a), Transportation Code, is
2-14 amended to read as follows:

2-15 (a) Except as provided by Subsection (c), the operator of a
2-16 motor bus carrying passengers for hire, before crossing a railroad
2-17 grade crossing:

2-18 (1) shall stop the vehicle not closer than 15 feet or
2-19 farther than 50 feet from the nearest rail of the railroad;

2-20 (2) while stopped, shall listen and look in both
2-21 directions along the track for an approaching train or other
2-22 on-track equipment and signals indicating the approach of a train
2-23 or other on-track equipment; and

2-24 (3) may not proceed until it is safe to do so.

2-25 SECTION 5. Section 545.2535(a), Transportation Code, is
2-26 amended to read as follows:

2-27 (a) Except as provided by Subsection (c), the operator of a
2-28 school bus, before crossing a track at a railroad grade crossing:

2-29 (1) shall stop the vehicle not closer than 15 feet or
2-30 farther than 50 feet from the track;

2-31 (2) while stopped, shall listen and look in both
2-32 directions along the track for an approaching train or other
2-33 on-track equipment and signals indicating the approach of a train
2-34 or other on-track equipment; and

2-35 (3) may not proceed until it is safe to do so.

2-36 SECTION 6. Sections 545.254(a), (b), and (c),
2-37 Transportation Code, are amended to read as follows:

2-38 (a) Before crossing a railroad grade crossing, an operator
2-39 of a vehicle that has an explosive substance or flammable liquid as
2-40 the vehicle's principal cargo and that is moving at a speed of more
2-41 than 20 miles per hour:

2-42 (1) shall reduce the speed of the vehicle to 20 miles
2-43 per hour or less before coming within 200 feet of the nearest rail
2-44 of the railroad;

2-45 (2) shall listen and look in both directions along the
2-46 track for an approaching train or other on-track equipment and for
2-47 signals indicating the approach of a train or other on-track
2-48 equipment; and

2-49 (3) may not proceed until the operator determines that
2-50 the course is clear.

2-51 (b) The operator of a vehicle that has an explosive
2-52 substance or flammable liquid as the vehicle's principal cargo,
2-53 before crossing a railroad grade crossing on a highway in a
2-54 municipality:

2-55 (1) shall stop the vehicle not closer than 15 feet or
2-56 farther than 50 feet from the nearest rail of the railroad;

2-57 (2) while stopped, shall listen and look in both
2-58 directions along the track for an approaching train or other
2-59 on-track equipment and for signals indicating the approach of a
2-60 train or other on-track equipment; and

2-61 (3) may not proceed until the operator determines that
2-62 the course is clear.

2-63 (c) Subsections (a) and (b) do not apply:

2-64 (1) if a police officer, crossing flagger, or
2-65 traffic-control signal directs traffic to proceed;

2-66 (2) where a railroad flashing signal is installed and
2-67 does not indicate an approaching train or other on-track equipment;

2-68 (3) to an abandoned or exempted grade crossing that is
2-69 clearly marked by or with the consent of the state, if the markings

3-1 can be read from the operator's location;
3-2 (4) at a streetcar crossing in a business or
3-3 residential district of a municipality; or
3-4 (5) to a railroad track used exclusively for
3-5 industrial switching purposes in a business district.

3-6 SECTION 7. Sections 545.255(c) and (d), Transportation
3-7 Code, are amended to read as follows:

3-8 (c) To move a vehicle or equipment on or across a track at a
3-9 railroad grade crossing, the operator:

3-10 (1) shall stop the vehicle or equipment not closer
3-11 than 15 feet or farther than 50 feet from the nearest rail of the
3-12 railroad;

3-13 (2) while stopped, shall listen and look in both
3-14 directions along the track for an approaching train or other
3-15 on-track equipment and for signals indicating the approach of a
3-16 train or other on-track equipment; and

3-17 (3) may not proceed until it is safe to cross the
3-18 track.

3-19 (d) An operator of a vehicle or equipment may not cross a
3-20 railroad grade crossing when warning of the immediate approach of a
3-21 railroad car, ~~or~~ train, or other on-track equipment is given by
3-22 automatic signal, crossing gates, a flagger, or otherwise. If a
3-23 flagger is provided by the railroad, the operator shall move the
3-24 vehicle or equipment over the crossing at the flagger's direction.

3-25 SECTION 8. This Act takes effect September 1, 2021.

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